

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>CHARLES MORROW, <i>et al.</i>,</b>	)	
	)	<b>CIVIL ACTION NO: 3:07-CV-617-MHT</b>
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	<b><i>UNOPPOSED</i></b>
<b>FLOWERS FOODS, INC., <i>et al.</i>,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' UNOPPOSED MOTION TO CONTINUE TRIAL  
TO JANUARY 2009 TERM DUE TO TRIAL CONFLICT**

COME NOW Defendant Flowers Foods, Inc. ("Flowers Foods"), Defendant Flowers Baking Co. of Opelika, LLC ("Flowers/Opelika"), and Defendant Flowers Baking Co. of Thomasville, LLC ("Flowers/Thomasville") (collectively, "Defendants"), by and through their undersigned counsel, hereby move for a continuance of the trial in this action, currently set for October 14, 2008, to the January 2009 trial term, or to such other date and time as the Court deems appropriate or necessary. As grounds for this motion, Defendants show:

1. Pursuant to the Court's Uniform Scheduling Order, trial of this cause is set to begin on October 14, 2008. However, Defendants' lead counsel, Kevin Hishta, has recently developed an unavoidable conflict with this trial setting due to his oldest daughter's wedding and related preparations during the first half of the month of October 2008. Specifically, Mr. Hishta's daughter became engaged on January 17, 2008 and she and her fiancée have selected October 18, 2008 as their wedding date. Mr. Hishta has discussed this conflict with lead counsel for the Plaintiffs, Joseph Guglielmo, and Plaintiffs have no objection to moving the trial date to

the January 2009 term. See Exhibit 1 attached hereto (email from Joseph Guglielmo to Kevin Hishta, Jan. 22, 2008).

WHEREFORE, Defendants request that the trial of this cause be continued from the scheduled date of October 14, 2008 to the January 2009 term, or such other term as the Court may deem necessary or appropriate.

Respectfully submitted this 24th day of January, 2008.

/s/Christopher W. Deering  
Sandra B. Reiss (ASB-3650-S80S)  
Christopher W. Deering (ASB-5555-I71C)  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
One Federal Place, Suite 1000  
1819 Fifth Avenue North  
Birmingham, Alabama 35203-2118  
E-mail: [Sandra.Reiss@odnss.com](mailto:Sandra.Reiss@odnss.com)  
E-mail: [Chris.Deering@odnss.com](mailto:Chris.Deering@odnss.com)  
Ph. (205) 328-1900  
Fax (205) 328-6000

*and*

Kevin P. Hishta  
Georgia Bar No. 357410  
Admitted *Pro Hac Vice*  
OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
Bank of America Plaza  
600 Peachtree Street, NE  
Suite 2100  
Atlanta, GA 30308  
E-mail: [Kevin.Hishta@ogletreedeakins.com](mailto:Kevin.Hishta@ogletreedeakins.com)  
(404) 881-1300  
(404) 870-1732 Fax

*Counsel for Defendants, Flowers Foods, Inc., Flowers  
Baking Co. of Opelika, LLC, and Flowers Baking Co. of  
Thomasville, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 24th day of January, 2008, I electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Greg L. Davis, Esq.  
The Law Offices of Greg L. Davis  
6987 Halcyon Park Drive  
Montgomery, AL 36117

Joe R. Whatley, Jr., Esq.  
Whatley Drake & Kallas, LLC  
2001 Park Place North  
Suite 1000  
Birmingham, Alabama 35203

Amy Lynne Weaver  
Whatley Drake & Kallas, LLC  
2001 Park Place North  
Suite 1000  
Birmingham, Alabama 35203

Joseph P. Guglielmo, Esq.  
Whatley Drake & Kallas, LLC  
1540 Broadway, 37<sup>th</sup> Floor  
New York, New York 10036

E. Kirk Wood, Esq.  
Wood Law Firm, LLC  
P.O. Box 382434  
Birmingham, Alabama 35238-2434

/s/ Christopher W. Deering  
Christopher W. Deering

# **EXHIBIT 1**

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**From:** Joseph P. Guglielmo [mailto:jguglielmo@wdklaw.com]  
**Sent:** Tuesday, January 22, 2008 4:17 PM  
**To:** Hishta, Kevin  
**Cc:** Greg Davis; ekirkwood1@cs.com; Amy A. Weaver  
**Subject:** Flowers

Kevin, we have no objection to moving the trial date to the January 09 term.

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Joseph P. Guglielmo



Whatley Drake & Kallas

1540 Broadway, 37th Floor

New York, NY 10036

Telephone: 1-212-447-7070

Direct: 1-212-447-7007

Facsimile: 1-212-447-7077

Email: jguglielmo@wdklaw.com

Web: [www.wdklaw.com](http://www.wdklaw.com)

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